

REMARKS

Support for the amendments

The amendments to claim 1 are supported by previously pending claim 19, as well as on page 33 lines 20-22 and page 39 line 5 to page 40 line 5. Thus, the amendments do not introduce new matter.

Rejection under 35 USC 112 first paragraph

The patent office rejected claims 1, 7-10, 14, and 19-28 and 47 under 35 USC 112 first paragraph, based on the assertion that the specification did not enable one of skill in the art to make and use the claimed invention. The applicants traverse this rejection.

The patent office stated that the specification was enabling claims for methods for treating certain chemotherapy side effects using specific fragments of angiotensin II, including A(1-7), A(1-6), and A(1-5). Thus, in order to expedite prosecution, the applicants have amended claim 1 to require that the active agent comprises a sequence consisting of at least 5 amino acids of the formula, and to recite the specific chemotherapy side effects previously recited in claim 19.

The applicants have also amended claim 19 to recite that the methods are for treating or decreasing the frequency and/or severity of chemotherapy side effects. This is supported throughout the specification, particularly on pages 37-40 (for example, page 39 lines 5-9 and 15-19). Data regarding each of the specific chemotherapy side effects can also be found on pages 37-40 and in the tables on page 39.

Based on the above, the applicants respectfully submit that the currently pending claims are fully enabled by the specification, and respectfully request reconsideration and withdrawal of the 112 first paragraph rejection.

Based on the above amendments and remarks the applicants believe the application is in condition for allowance. If the Examiner believes that a telephone or personal interview would expedite prosecution of the instant application, the Examiner is invited to call the undersigned attorney at (312) 913-2106.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Date:

9/24/03

By: _____



David S. Harper
Registration No. 42,636